

Docket No. 3353.1005-003STATEMENT UNDER 37 CFR § 3.73(b)Applicant/Patentee: Kirtland G. Poss, Karen N. Madden, Kevin Groves and Milind RajopadhyeApplication No./Patent No.: 10/559,558Filed/Issue Date: June 4, 2004Entitled: BIOCOMPATIBLE FLUORESCENT SILICON NANOPARTICLESVisEn Medical, Inc.

(Name of Assignee)

, a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application/patent identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application/patent identified above.

The right, title and interest of the above-named assignee in the patent application/patent identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature: [Signature]Name: Kirt PossTitle: President & CEODate: 1/5/07

COPY

Joint

~~ASSIGNMENT~~ NOT FOR RECORDATION

WHEREAS, we, **Kirtland G. Poss, Karen N. Madden, Kevin Groves and Milind Rajopadhye**, have invented a certain improvement in **Biocompatible Fluorescent Silicon Nanoparticles** described in an application for Patent,

- ☐ the specification of which is about to be filed in the United States Patent Office *(use for utility (37 CFR § 1.53(b)) and design filings only)*;
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☐ the specification of which is United States Application No. [], filed [];
- ☒ the specification of which is a Patent Cooperation Treaty Application, International Application No. **PCT/US2004/018023**, filed **June 4, 2004**, which designates the United States of America and assigned United States Application No. **10/559,558**;
- ☐ which was patented under United States Patent No. [].

WHEREAS, **VisEn Medical, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **12B Cabot Road, Woburn, Massachusetts 01801** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein; I hereby expressly authorize the filing of an International Patent Application under the Patent Cooperation Treaty which corresponds to and claims the priority of the above-identified application;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: _____

Kirtland G. Poss

State/Commonwealth

of Massachusetts

County of Middlesex

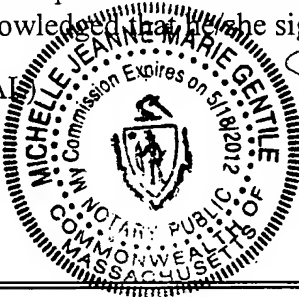
On this 7th day of March, 2006, before me, the undersigned notary public, personally appeared **Kirtland G. Poss**,

☒ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was _____

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he signed the foregoing instrument as his/her free act and deed.

(SEAL)



Michelle J. Gentile

Notary Public

Michelle Gentile

(print name)

My Commission expires 5/18/2012

Inventor's Signature: _____

Karen N. Madden

State/Commonwealth

of Massachusetts

County of Middlesex

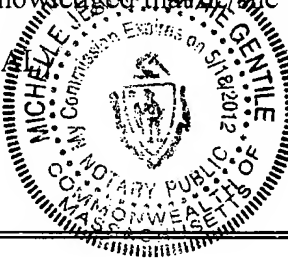
On this 15th day of March, 2006, before me, the undersigned notary public, personally appeared **Karen N. Madden**,

☒ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was _____

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SE)



Michelle Gentile

Notary Public

Michelle Gentile

(print name)

My Commission expires 5/18/2012

Inventor's Signature: _____

Kevin Groves

State/Commonwealth

of Massachusetts

County of Middlesex

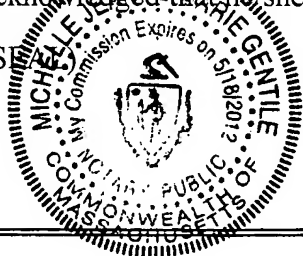
On this 17th day of March, 2006, before me, the undersigned notary public, personally appeared **Kevin Groves**,

☒ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was _____

to be the person whose name was signed on the foregoing instrument in my presence, and acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(SE)



Michelle Gentile

Notary Public

Michelle Gentile

(print name)

My Commission expires 5/18/2012

Inventor's Signature: Milind Rajopadhye
Milind Rajopadhye

State/Commonwealth
of Massachusetts
County of Middlesex

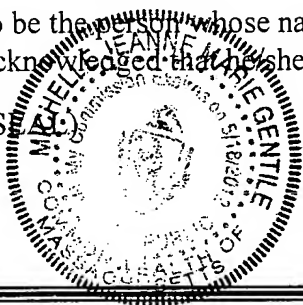
On this 7th day of March, 2006, before me, the undersigned
notary public, personally appeared **Milind Rajopadhye**,

☒ personally known to me, or

☐ proved to me through satisfactory evidence of identification, which was

to be the person whose name was signed on the foregoing instrument in my presence, and
acknowledged that he/she signed the foregoing instrument as his/her free act and deed.

(S)



Michelle Gentle Notary Public
Michelle Gentle (print name)
My Commission expires 5/18/2012